

Remarks

Rejection of Claim 92 Under 35 U.S.C. § 112 ¶ 1

Claim 92 is rejected under 35 U.S.C. § 112 ¶ 1 as allegedly containing new matter. To advance prosecution, claim 92 is amended to recite subject matter which the Final Office Action acknowledges is supported by Examples 5 and 6. Please withdraw the rejection.

Rejection of Claims 69 and 92 Under 35 U.S.C. § 102(b)

Claims 69 and 92 are rejected under 35 U.S.C. § 102(b) as anticipated by Kaneda (EP 1 170 363). Applicants respectfully traverse the rejection.

The Final Office Action asserts that Kaneda anticipates the method of claims 69 and 92 because “the structural limitations of the claims are met by Kaneda’s HVJ viral vector because it comprises viral envelope protein.” Final Office Action at page 4, last paragraph. The Office Action’s statement is tantamount to asserting that a genus (*i.e.*, Kaneda’s genus of compositions comprising HVJ-E) anticipates a species (*i.e.*, the recited composition which consists essentially of HVJ-E). That is not the law. To advance prosecution, however, claim 69 is amended to recite a composition which consists essentially of a hemagglutinating virus of Japan envelope (HVJ-E). Kaneda does not teach or suggest a method of inhibiting tumor cell growth in a mammal by administering to the mammal an effective amount of a composition consisting essentially of an HVJ-E.

Please withdraw the rejection.

Respectfully submitted,

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